

EXHIBIT 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. 3:10-cv-03561-WHA

***CONTAINS MATERIAL DESIGNATED CONFIDENTIAL BY
ORACLE AMERICA, INC.***

**EXPERT REPORT OF TERENCE PARR, PH.D.
REGARDING NON-INFRINGEMENT
OF U.S. PATENT NO. 5,966,702**

Protective Order designations withdrawn for this excerpt.

REDACTED

47. Paragraph 461 of Oracle's report, when describing the operation of the Android dx tool, says: "This is the step at which removal of duplicate constants is performed." Actually, the Android dx tool simply adds all constants, including non-duplicates, to the shared table. As discussed above, **there is no "remove" step performed by the Android dx tool to create reduced class files.** Not adding duplicate information to a single global table is different than removing duplicated elements from multiple per-class tables and creating a global table with only shared constants. The referenced claim element requires the removal of duplicated elements from the individual constant pools. I have confirmed that the Android dx tool does not alter the constant pools in memory and does not create individual reduced constant pools in the dex file. Oracle's report recognizes that there is no "remove" step performed by the Android dx tool, where it states:

... the process of forming the dex file multiple copies of the duplicated elements are **not added** to the tables that will be used to form the dex file.

(Mitchell Patent Report at ¶ 476, p. 215.) To illustrate the different mechanisms of the '702 patent and the Android dx tool, I have provided an example of pseudo-code for each. Pseudo-code looks a bit like a programming language, but is not actual programming language. Pseudo-code is often used by programmers to explain a process without the complexity required to actually perform the task. The first example is a simplified version of how the Android dx tool creates a single shared constant pool:

```
p = empty shared constant pool
for each class file f in S class files do:
    for each element e of f's constant pool do:
        add e uniquely to p
```

48. In contrast, the method of the '702 patent not only creates a shared pool, but also alters the class files to obtain a set of reduced class files where elements 3 and 4 of claim 1 are indicated below: